

# **AGENDA**

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, September 9, 2013**

**6:15 Workshop**

**7:00 p.m. Call to Order**

## **6:00 P.M. Tour of new ambulance**

**6:15 P.M. WORKSHOP** re: Hunting on Town owned property & discussion re: dedication of Town Report.

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

August 26, 2013

### **III. MANAGER'S REPORT**

### **IV. PUBLIC DISCUSSION**

### **V. LEGISLATION AND POLICY**

- 13 – 138** To hold a Public Hearing to consider and act on a Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.
- 13 – 139** Council discussion re: consideration of amending the Traffic Ordinance to consider alternative traffic calming measures for Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn.
- 13 – 140** To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.
- 13 – 141** To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*
- 13 – 142** To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet.
- 13 – 143** To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually.

### **VI. NEW BUSINESS**

- 2014 NCAA Division III Men's Cross Country National Championship
- Cumberland/North Yarmouth Joint Standing Committee Meeting, Thursday, September 12<sup>th</sup>
- September 30<sup>th</sup> employee training and employee appreciation luncheon (Town Hall closed)

### **VII. ADJOURNMENT**

# MOTIONS

- 13 – 138 I move to approve** the Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.
- 13 – 139 No action.**
- 13 – 140 I move to set** a Public Hearing date of September 23<sup>rd</sup> to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.
- 13 – 141 I move to set** a Public Hearing date of September 23<sup>rd</sup> to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*
- 13 – 142 I move to set** a Public Hearing date of September 23<sup>rd</sup> to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet.
- 13 – 143 I move to forward** to the Planning Board for a Public Hearing and recommendation, draft zoning amendments to §118 of the Cumberland Code (Growth Management) to increase the maximum number of new growth permits issued annually.

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, August 26, 2013**

**6:00 p.m. Workshop**

**7:00 p.m. Call to Order**

**6:00 p.m. Workshop** re: 2013-14 Town project prioritizing.

**7:00 p.m. Call to Order**

**Present:** Councilors Stiles, Turner, Copp, Storey-King, Gruber, Edes and Bingham

## **I. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the August 12, 2013 minutes as presented.

VOTE: 7-0

## **II. MANAGER'S REPORT**

- Town-wide paving to begin this week.
- Work on Blanchard Road has been delayed by the gas line installation, and paving won't be done until after the fair.
- The Manager and Assistant Town Manager met with the City of Augusta today regarding gas main project. The City of Augusta was very helpful with what to expect and opportunities that are available in regard to the project.
- For the first time in 10 years, the Town will not have to use any of the Tax Anticipation Note money in July & August. This is a significant accomplishment and if we are able to not use any of that money all year, we will save approximately \$50,000.
- Public Services will be working with the S.A.D. to widen road between the Middle and High Schools, so the current bus loop will be open to all vehicles by Thanksgiving.
- Concrete was poured at Greeley Middle School last week.
- The tree stands in the Town Forest have been removed. Thank you to Brad Hilton for locating them and providing a map to them.

## **III. PUBLIC DISCUSSION**

None

## **IV. LEGISLATION AND POLICY**

**13 – 131 To hear a report from Police Officer, Ryan Martin re: local trends in drug use and our youth.**



## So What Does It Look Like?



## How's Marijuana Measured?

- Gram \$5-10 (BHO \$70)
- Joint (1/2 gram to 1.5 grams) \$7-10
- **Slice or 1/8**– 1/8 of an ounce \$35-65
- Q or **Quarter** – Quarter of an ounce \$70-125
- **Half**– Half ounce of Kush \$165
- **OZ or Zip**– Ounce \$300-350
- QP or QUAP – Quarter Pound \$1100-1250
- HIP, HIPPO, HIPPOPOTOMUS – Half pound of marijuana - \$2100-2300
- Elbow – Pound of marijuana - \$2800-3800

## How is it Sold & Packaged? Marijuana vs. powder or pills



## Most Common Paraphernalia



## Other Drug Prices

- Molly \$250 ball, \$70-90 gram or .1g for \$10
- Adderall 20mg \$5 30mg \$7
- BHO made with Kief \$70 gram
- Hash \$20g
- Acid \$10-15 per tab, strip \$80-90, \$550 vial
- Cocaine \$100g, \$180-220 for 3.5g (1/8 oz)



## Marijuana Containers and Paraphernalia



## Packaging of other drugs



## What Are "Dabs"?

By statute it is hash as it is the resin from marijuana. Solvents are used to push the resin/THC out of the plant material. Solvents dissipate and oil is smoked.



## Hallucinogens / Stimulants



## Where Do They Get It?

- From cities to smaller dealers (usually around the age of a minor 16-20) locally to children
- Children usually purchase through a connection made socially at our school
- Small amounts grown locally (usually indoors under lights with humidity control systems)
- Outside grows less common due to pest issues, human issues and growing issues
- Transactions take place in schools, in cars on the streets or parking lots, and mostly in the homes of our children

## Local High School Data – MIYHS 2011

- 24.3% of students answered that they had their first drink of alcohol before age 13 (other than a few sips).
- 27.6% stated they consumed one or more drinks one more days within the past 30 days.
- 72.3% stated that if they wanted to get alcohol that it would be sort of easy or very easy to get.
- 32.8% used marijuana at least once in their lifetime
- 10.7% first tried marijuana before age 13

Data Provided by Casco Bay CAN (create awareness now)  
2013 MIYHS Study data will be released in January 2014

### Local High School Data – Cont.

- 21.6% used marijuana at least once in the last 30 days.
- 55.3% stated that if they wanted to get marijuana it would be sort of easy or very easy to get.
- 8.2% have used inhalants one or more times in their life.
- 13.5% have used prescription drugs without a doctors prescription one or more times in their life.
- 6.8% have used a prescription drugs one or more times within the last 30 days that was not their own
- 29.5% stated that someone has offered, sold or given them an illegal drug on school property within the past year.

Data Provided by Casco Bay CAN (create awareness now)  
2013 MIYHS Study data will be released in January 2014

### Local Middle School Data

- 14.7% stated they have consumed alcohol at least once (more than a few sips)
- 41.6% stated the consumption was before age 11.
- 7% stated they have had one or more drink on one or more days within the last 30 days.
- 48.5% stated it would be sort of easy or very easy to get alcohol.
- 4.5% stated they have used marijuana in their life.
- 12.7% stated it would be sort of easy or very easy to get marijuana.

Data Provided by Casco Bay CAN (create awareness now)  
2013 MIYHS Study data will be released in January 2014

### Local Middle School Data – Cont.

- 7.9% stated they have used inhalants at least once in their life.
- 5.0% stated they have used a prescription drug without a doctors prescription at least once.
- 2.8% used the prescription drug within the last 30 days.

<http://www.cascobaycan.org/>

Data Provided by Casco Bay CAN (create awareness now)  
2013 MIYHS Study data will be released in January 2014

### Questions and Comments?

**THANK YOU!!!**

Officer Ryan Martin  
Cumberland Police Department  
207-893-2810  
rmartin@cumberlandmaine.com

## 13 – 132 To hear a report from Adam Pitcher, Chairman of the Cumberland Energy Advisory Committee.

Mr. Pitcher said that he has been a member of the Energy Advisory Committee since its inception back in 2007. The committee is made of residents that look to carry out the committees objectives, which include:

1. Reduce the Carbon Footprint and emissions for the Town of Cumberland
2. Explore, inventory and recommend policies to the Town Council for energy savings and efficiencies.
3. Work with surrounding communities to collaborate on regional energy savings and carbon reductions and emissions.
4. Explore life-cycle costs for recommended policies or initiatives, including pay-back costs.

Mr. Pitcher said that he is here tonight on behalf of the Energy Advisory Committee to voice our unanimous support for the Natural Gas Pipeline project. After reviewing the proposed natural gas project, the Committee feels that this project offers a great alternate fuel source for Cumberland. The investment in the Natural Gas infrastructure in Cumberland will offer benefits that mesh nicely the Energy Advisory Committees objectives. Such benefits include:

- Reduction in emissions from #2 heating oil, currently the majority heating fuel in use within the Town.
- Up to 40% reduction in energy cost for the towns citizens, businesses, and municipalities.

The Committee also recognizes additional benefits for the citizens of Cumberland such as:



- The gas pipeline infrastructure Increases revenue from the commercial base, reducing the tax burden from the residential base
- Increased fuel options from Cumberland residents, that will lower home expense budgets
- Reduced maintenance for heating equipment for residents as compared to maintenance on heating oil equipment.
- Summit Natural Gas offers connection rebates for residents to help off-set connection costs.

The Committee has voiced concerns about the following for the Town Council's consideration:

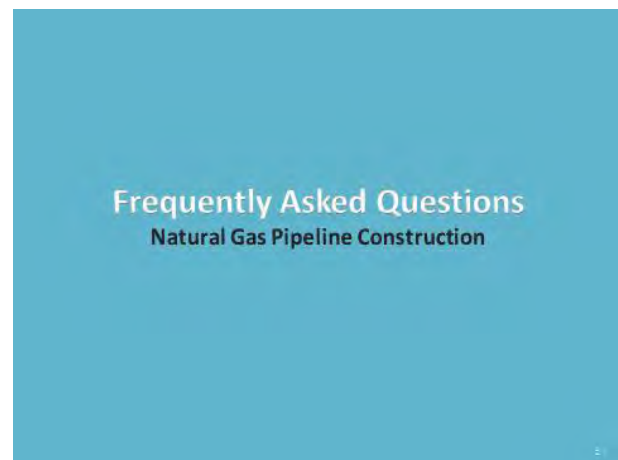
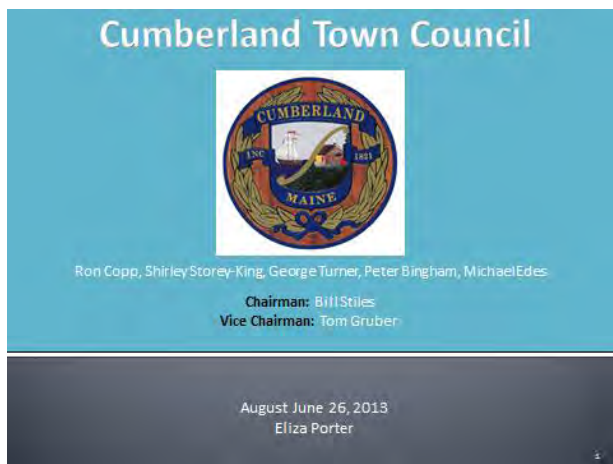
- The Energy Advisory Committee recommends applying a small percentage of the increased tax revenue toward an energy fund. This fund would be available to assist the 20 percent of Cumberland citizens that would not directly benefit from the Summit agreement through connection rebates, reduced heating cost, and home efficiency audits. This fund could be funded annually, supporting ongoing programs to assist residents, municipalities with home energy audits, efficiency improvements, and emission reduction measures.
- Clearly communicating to residents the pros / cons and expected cost for connection and gas delivery services after the connection will be critical.

On behalf on the Committee, Mr. Pitcher thanked the council for their time, and the opportunity to commit and express the Committee's position regarding the Natural Gas Pipeline and Summit Natural Gas agreement.

Brad Hilton of Blanchard Road suggested that the Council consider giving Summit Natural Gas a reduction in taxes on their infrastructure in exchange for them to expand through more of the Town.

Chairman Stiles thanked Mr. Hilton and Mr. Pitcher.

### 13 – 133 To hear a report from Eliza Porter on the gas main project.

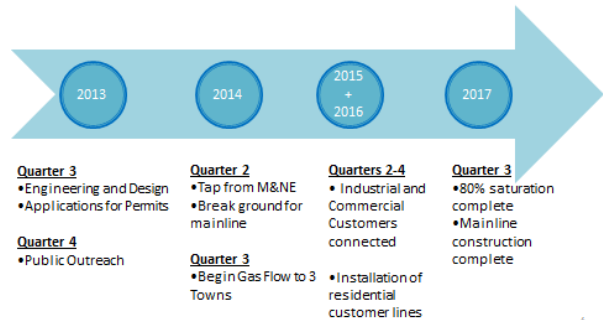


## Who?



The Towns of Cumberland, Falmouth, and Yarmouth have worked on a joint project with Summit Natural Gas of Maine to bring natural gas to our area. They are headquartered in Augusta and specialize in bringing natural gas to small towns and rural areas.

## When?

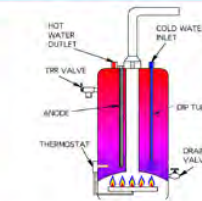


## Where?

The substation will be located on Blanchard Road near the fairgrounds. There will be 32 miles of primary pipeline and 213 miles of distribution lines throughout Cumberland, Falmouth, and Yarmouth



## Why is natural gas a good option?



- Natural gas equipment is easier to maintain and repair, which means lower maintenance costs.
- Most natural gas equipment lasts longer than similar electric appliances.
- Natural gas is the most environmentally friendly fossil fuel.
  - **83% of home buyers prefer gas heating\***
  - **82% prefer gas water heating\***
- It is also more affordable than heating oil, your tank never needs to be refilled—you are always full on natural gas!

## What natural gas appliances are available?



- Water heaters, Central Cooling and Heating Systems, Space Heaters, Outdoor Grills, Gas Lights, Ranges, Ovens, Cooktops, Dryers, Fireplace Logs, Pool Heaters, Gas Generators



- Natural gas is one of the most affordable, convenient, reliable, clean, and safe sources of energy available to the residential consumer.
- Historically, it has been a better value than electricity as a source of energy in the home.
- According to the DOE, natural gas costs approximately 68% less than the cost of electricity and can reduce heating costs by 50%.
- Natural gas produces 45% less carbon dioxide than coal, 30% less than oil, 15% less than wood, and can save you about \$1,500 in year round energy costs!



## What are some of the natural gas appliances offered and how do they operate?



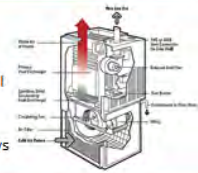
- **Cooking on Gas vs. Electric**  
-The Difference: Control  
-Professional chefs prefer the instant flexibility of gas cooking for exact, controlled food preparation
- **Gas Clothes Dryer**  
-They dry clothes faster and actually treat your clothes more gently than electric dryers
- **Gas Fireplace Logs**  
-They create an instant roaring fire with no logs to lug or mess to clean up. They don't pollute the air like wood ones do.
- **Outdoor Gaslights and Gas Grills**  
-A natural gas outdoor light provides year-round soft, natural light for beauty and security even when the power is off. Nothing is faster and easier than cooking on an outside gas grill.

\*When the power goes off, with the exception of gas furnaces and clothes dryers, gas appliances keep right on working for you.\*

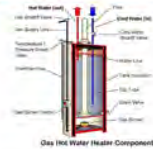
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## What are the benefits of a gas furnace?

- A Natural Gas furnace is a more affordable heat source than oil.
- Easier and cheaper to maintain than an oil furnace.
- Natural gas is a more environmentally friendly fossil fuel than oil.
- Natural Gas is cheaper than oil.
- Your tank never needs to be refilled—you are always full on natural gas!



## What makes a gas water heater better?



- A gas water heater works nearly twice as fast as an electric one, so you're less likely to run out of hot water.
- Sources: Appliance Magazine and Manufacturers Specifications.

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## What are some safety considerations with natural gas?

### If you believe you have a gas leak:

- Alert others and leave immediately.
- Call the fire department
- Call SNG from your neighbor's house or another location.
- Tell Summit where you are so you can let them in your house when they arrive.
- Don't turn on a light.
- Don't switch on anything electrical.
- Don't light a match.
- Don't use your home phone. Use cell phone, once out of house.

Natural gas has no odor of its own, so gas companies add an odorant as a safety precaution, which *smells like rotten eggs*. The distinctive odor intentionally smells bad to immediately signal a possible gas leak. Most gas leaks are small and aren't usually dangerous, but don't try to judge for yourself if a leak is dangerous or not.

If you switch to natural gas it's a good idea to buy a Natural Gas Detector for your home to help alert you if there is a possible leak.



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## Have your heating system checked annually!



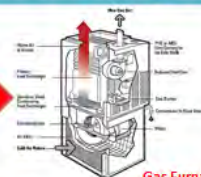
- Homeowners should have their furnace or central heating system inspected annually.
- When heating systems are properly adjusted, the by-product of combustion is water vapor and carbon dioxide -- the same things we exhale as we breathe.
- When a heating system powered by a fossil fuel gets out of adjustment and the system isn't operating properly, carbon monoxide may be produced.
- An annual check-up of your heating system by a qualified professional ensures it is operating safely and efficiently with the proper mix of fuel to air.

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## Will I have to have my oil burning furnace completely replaced to convert to natural gas?



Oil Furnace



Gas Furnace

- When converting from an oil furnace to natural gas, the difference is the burner.
- If your furnace is newer than 5 years old, you will most likely be able to convert to natural gas without having to buy a new one.
- The older your furnace is, the more likely it will be that you have to purchase a new one to convert.
- Costs to convert your system will range from \$3,000-\$7,000
- Additional costs would include: making sure everything is up to code, the removal of the oil tank, and the insertion of the chimney lining.

"Frequently Asked Questions" Summit Natural Gas of Maine, Inc. 1-800-862-1212 <http://www.summitnaturalgasmaine.com/frequently-asked-questions>

## Does Summit Gas provide rebates to cover some costs to convert to natural gas?



- Rebates will start when Summit lands in town
- You will pay the money upfront and Summit will give you a check with the full amount.

### Summit Natural Gas will provide up to:

- a \$1,500 rebate to residents who purchase a high efficiency boiler or furnace and water heater.
- \$560 rebate for an Efficiency Maine Approved Home Energy Audit in conjunction with six hours of air sealing to make homes more energy efficient
- Residents enrolled in the federal Low Income Home Energy Assistance Program (LIHEAP) will be eligible for a maximum rebate of 100% or may receive up to \$4,000 to convert to natural gas.

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## Rebates Applicable to Residential Customers

Qualifying Conversion Costs	Maximum Incentive	Maximum % of Conversion Costs Rebated
Conversion of Qualifying equipment not otherwise listed below	\$375	50% of costs
Hot water boiler with an AFUE rating greater than or equal to 95%	\$1,500	75% of costs
High-efficiency boiler and water heating unit with an AFUE rating equal to or greater than 90% and domestic hot water storage of 2 gallons or less	\$1,312	75% of costs
Hot water boiler with an AFUE Rating equal to or greater than 90%	\$1,125	75% of costs
High-efficiency natural gas water boiler AFUE 85% or greater	\$375	75% of costs
High-efficiency natural gas furnace AFUE 95% or greater with ECM Motor	\$1,125	75% of costs
High-efficiency natural gas furnace AFUE 90% or greater with ECM Motor	\$750	75% of costs
On-Demand, Tankless Water Heater with an AFUE rating of 82% or higher	\$562.50	75% of costs
Energy Star Qualified Natural Gas Storage Heater	\$300	75% of costs

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## Rebates Applicable to All Customers in the LIHEAP Program

Qualifying Conversion Costs	Maximum Incentive	Maximum % of Conversion Costs Rebated
Conversion of Qualifying equipment not otherwise listed below	\$1,000	100%
Hot water boiler with an AFUE rating greater than or equal to 95%	\$4,000	100%
High-efficiency boiler and water heating unit with an AFUE rating equal to or greater than 90% and domestic hot water storage of 2 gallons or less	\$3,500	100%
Hot water boiler with an AFUE Rating equal to or greater than 90%	\$3,000	100%
High-efficiency natural gas water boiler AFUE 85% or greater	\$1,000	100%
High-efficiency natural gas furnace AFUE 95% or greater with ECM Motor	\$3,000	100%
High-efficiency natural gas furnace AFUE 90% or greater with ECM Motor	\$2,000	100%
On-Demand, Tankless Water Heater with an AFUE rating of 82% or higher	\$1,500	100%
Energy Star Qualified Natural Gas Storage Heater	\$800	100%

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## Energy Audits and Associated Conservation Measures

	Rebates Applicable to Customers	Rebates Applicable to all Customers in the LIHEAP Program
An Efficiency Maine Approved Energy Audit in conjunction with 6 hours of air sealing	\$560	\$750
An Efficiency Maine approved Energy Audit	\$375	\$500

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### Atlantic Regional Federal Credit Union Involvement



Atlantic Regional Federal Credit Union offers the **No Equity Home Equity Loan** to help Cumberland homeowners finance the conversion to natural gas. This loan offers a simple and convenient way to borrow with easy terms and fixed rates. Rates are currently fixed at 6.00% APR (rate as of June 19, 2013; subject to change).

To learn more and find out if you qualify, please contact a Cumberland branch representative at 489-3039 x471 or visit <http://www.atlanticregional.com/personal/loans-crediting-equity-home-equity-loan.html>. Or contact the main office in Brunswick at (800) 834-0432.



Pace Loans are at 4.99% interest rate.

## Summit Comes to Town



The Town of Cumberland is excited to welcome Summit Natural Gas of Maine to town this month to lay 6,000ft of gas line in preparation for their upcoming project. The laying of the gas lines is in conjunction with the Blanchard Road reconstruction project. Summit has come to lay part of the mainline in order to avoid ripping up the road again next year when they return to town.

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## • The End •

Questions?

### **13 – 134 Update on regionalization of assessing services.**

Cumberland County has advertised for the position of County Assessor. To date, Cumberland, Falmouth, Yarmouth, and North Yarmouth, have been attending informational meetings and the Manager feels that additional towns may also be interested. This is an exciting opportunity and there will hopefully be more good news on this in October.

### **13 – 135 To hold a Public Hearing to consider and act on increasing sewer user fees 3.1% for FY'14.**

Chairman Stiles opened the Public Hearing.

Public discussion: none

Motion by Councilor Gruber, seconded by Councilor Bingham, to increase sewer user fees 3.1% for FY'14 as recommended by the Town Manager.

VOTE: 5-2 (Edes and Copp opposed) MOTION PASSES

### **13 – 136 To hear a report from the Ordinance Committee re: committee work to date.**

Councilor Storey-King explained that the Ordinance Committee met on Thursday, August 15<sup>th</sup> to discuss the following items:

**Firearms Ordinance:** The Police Chief and the Assistant Town Manager presented information to the committee regarding the town's authority to regulate the discharge of firearms per statute. Specifically, the Police Chief recommended that the committee consider prohibiting the use of firearms in the Town Forest so that hunting activity on that property would be limited to the use of bows and arrows (including crossbows). State law and the Town's Firearms Ordinance require that no firearm be discharged within 100 yards of a building. The committee is recommending that the Town flag a perimeter in the Town Forest that is 100 yards from the property line and monitor hunting activity over the course of the next season before taking any further action.

**Fireworks Ordinance:** The committee discussed amending the ordinance to include provision for a special events permit on a day other than those allowed by ordinance. This item is still under consideration.

**Traffic Ordinance:** The committee recommends scheduling a public hearing to consider alternative traffic calming measures for Hedgerow Drive and Val Halla Road.



**Zoning Ordinance:** The committee heard two proposed changes to the zoning ordinance, one to restrict the business and professional office use not to include medical marijuana facilities and another to change the building height limit from 35 feet to 40 feet town wide. Both of these items will be on the Planning Board's September agenda for a public hearing and recommendation to the Council.

**13 – 137 To set a Public Hearing date (September 9<sup>th</sup>) to consider and act on a Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.**

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of September 9<sup>th</sup> to consider and act on a Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014.

VOTE: 7-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Turner** – In regard to Officer Martin's presentation on drugs and our youth, he feels that there may be some parents who feel that using marijuana is something that kids try and can be innocuous. As noted in Officer Martin's presentation, what they are using today, compared to even 10 years ago, is very different and very serious.

**Councilor Bingham** – Noted the passing of Bob Cram. He was very active in Town Government in the late 60's and early 70's. It is important to remember that all the good things that have or are now going on in Town is the result of the foundation that was laid by dozens of very competent and dedicated individuals. We all appreciate their service to our Town.

**Councilor Storey-King** – A reminder to the public that school starts on Wednesday.

Letters will be going out to the Cumberland Maine Business Association for the opportunity to buy advertisement space in the Korean War Veteran celebration program on November 11<sup>th</sup>.

At the soccer game this Thursday evening, the varsity field will be dedicated to Glen Hutchins. Mr. Hutchins has been very active in our community for many years and this is a well-deserved dedication.

**Councilor Gruber** – Thank you to Heather Perreault, Finance Director for all the good work that she has done.

Thank you to Bill and Linda Shane for all their hard work at the Food Pantry.

**Chairman Stiles** – A plea to business owners to donate to the Food Pantry 4-H auction fund so that meat can be purchased for the pantry.



**Councilor Edes** – There was a glitch in the Town computer system today and I.T. Director, Mike Crosby and Brenda Moore were very helpful in getting it fixed. Town staff does a very good job and he is very appreciative of them.

**Councilor Copp** – School starts on Wednesday, so everyone please drive with caution.

Thank you to Library Director, Thomas Bennett for his report at the last Council meeting. It included some old pictures that were very interesting. Kudos to Mr. Bennett for the phenomenal job that he does.

**Town Manager Shane** – The Governor will be in Cumberland on October 4<sup>th</sup> attending the dedication ceremony at Maine Standards.

On Monday, November 11<sup>th</sup> (Veterans Day) there will be a Korean War Veteran celebration. It will be a great celebration and he hopes that many people will attend.

Congratulations to the Town Manager of the Year, Nat Tupper, of Yarmouth. Nat is one of the true great manager's in the entire state.

**VI. ADJOURNMENT**

Motion by Councilor Edes, seconded by Councilor Storey-King, to adjourn.

VOTE: 7-0

TIME: 8:34 p.m.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

## 13-138

To hold a Public Hearing to consider and act on a Class I Liquor License for James Guidi d/b/a Louie's Grille located at 319 Main Street, for the period of October 1, 2013 through October 31, 2014



**Department of Public Safety  
Division**

**Liquor Licensing & Inspection**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**BUREAU USE ONLY**

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:** ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

**INDICATE TYPE OF LICENSE:**

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> —(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>James P. Guidi</u> <b>DOB:</b> <u>5/8/62</u>			<b>2. Business Name (D/B/A)</b> <u>Louie's Grille LLC</u>		
<b>DOB:</b>					
<b>DOB:</b>			<b>Location (Street Address)</b>		
<b>Address</b> <u>14 Hedgerow Drive</u>			<u>319 Main St.</u>		
<b>City/Town</b> <u>Cumberland</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>04021</u>			<b>Mailing Address</b>		
<b>City/Town</b> <u>Cumberland</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>04021</u>			<u>14 Hedgerow Drive</u>		
<b>Telephone Number</b> _____ <b>Fax Number</b> _____			<b>City/Town</b> <u>Cumberland</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>04021</u>		
<b>Federal I.D. #</b> <u>46-2666810</u>			<b>Business Telephone Number</b> _____ <b>Fax Number</b> _____		
			<b>Seller Certificate #</b> _____		

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A

4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES ☒

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: Owner, James P. Guidi

8. If business is NEW or under new ownership, indicate starting date: approx 10-1-13

Requested inspection date: 10-1-13 Business hours: 6am-9 pm, 7 days

9. Business records are located at: on premises

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐



11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
James P. Guidi	5-8-62	Portland ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

14 Hedgerow Drive, Cumberland ME 04021

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:

Flash Island Incorporated, 220 Maine Mall Rd, South Portland ME 04106

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)

(Attached) 2200 sq. ft. restaurant - 48 seats

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1000 ft approx Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: (Note) Flash Island Incorporated

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Cumberland, ME on 8/22/10, 20 13

Town/City, State

Date

James P. Guidi

Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)



Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)

On: \_\_\_\_\_  
Date

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

## NOTICE – SPECIAL ATTENTION

5. (TEXT EFFECTIVE 3/15/01) **Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.****FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	
<b>FILING FEE</b>	.....	\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND  
LIMITED PARTNERSHIPS

1. Exact Corporate Name: Louie's Grille LLC  
Business D/B/A Name: Louie's Grille  
2. Date of Incorporation: May 2013  
3. State in which you are incorporated: ME  
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
James P. Guidi	14 Hedgerow Drive Cumberland, ME 04021	5/8/1962	100%	Manager

6. What is the amount of authorized stock? 100% Outstanding Stock? 0  
7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO  
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.  
9. If yes, please complete the following: Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: \_\_\_\_\_ City/Town On: \_\_\_\_\_ Date

James P. Guidi  
Signature of Duly Authorized Officer

Date: 7/22/13

JAMES P GUIDI  
Print Name of Duly Authorized Officer



## AFFIDAVIT

I, James P. Guidi, reside at:  
Address: 14 Hedgerow Drive City: Cumberland  
State: ME Zip Code: 04021

I do state that, within the last two years from the date of this statement, I have **not** be convicted of the Class E crime of selling liquor within this State without a valid license (currently 28-A M.R.S.A. Section 2078). Nor have I, within the last two years from the date of this statement, been convicted of violating the following statute:

### FURNISHING OR ALLOWING POSSESSION OR CONSUMPTION OF LIQUOR OR IMITATION LIQUOR 28-A M.R.S.A. SECTION 2081

No person may knowingly procure, or in any way, aid or assist in the procuring, furnishing, giving or deliver liquor or imitation liquor for or to a minor or allow any minor under his/her control, or in any place under his/her control to possess or consume liquor or imitation liquor.

No person may knowingly procure, or in any way, aid or assist in the procuring, furnishing, giving or deliver liquor to or for a visibly intoxicated person or allow any visibly intoxicated person under his/her control to possess or consume liquor.

I have **not** been convicted of violating both Section 2078 and Section 2081 within the last five years from the date of this statement. Nor have I been convicted of violating either Section 2078 or Section 2081 twice within the last five years from the date of this statement.

**WARNING:** Any person who makes a false statement in this affidavit is guilty of a crime pursuant to 28-A M.R.S.A Section 2085.

8/22/13

Date

James P. Guidi

Name

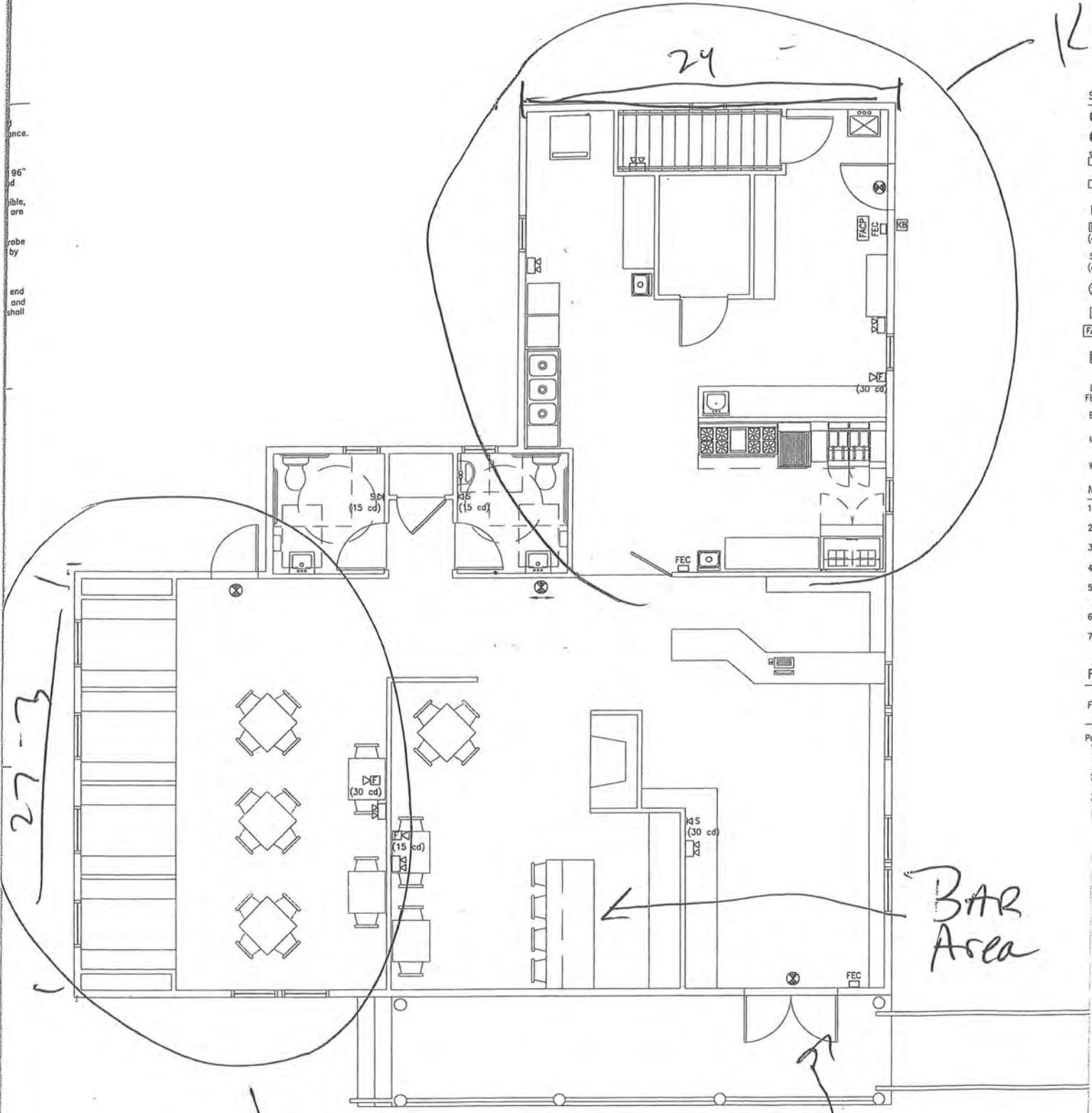
Date

Name

*This affidavit is to be kept as part of the licensee's records.*

(Reproduce as necessary)





1 First Floor Plan  
Scale: 1/8" = 1'-0"

Dining

Entrance

BAR Area

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# ITEM 13-139

Council discussion re: consideration of amending the Traffic Ordinance to consider alternative traffic calming measures for Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn





# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** September 5, 2013  
**Re:** Val Halla Road Neighborhood Area – FY 2014

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The Town Council has been requested to remove the prohibition of left hand turns from Val Halla Road onto Hedgerow and Country Charm Roads.

I have attached some of my neighborhood meeting notes from 10 years ago when neighbors requested speed bumps be installed to help mitigate the speed of the through traffic.

Monday night's discussion I hope will be to decide what next steps should be taken in consideration of the request. They could range from leaving things "as is" to looking more comprehensively at the neighborhood concerns and the concerns of citizens who travel to the golf course.

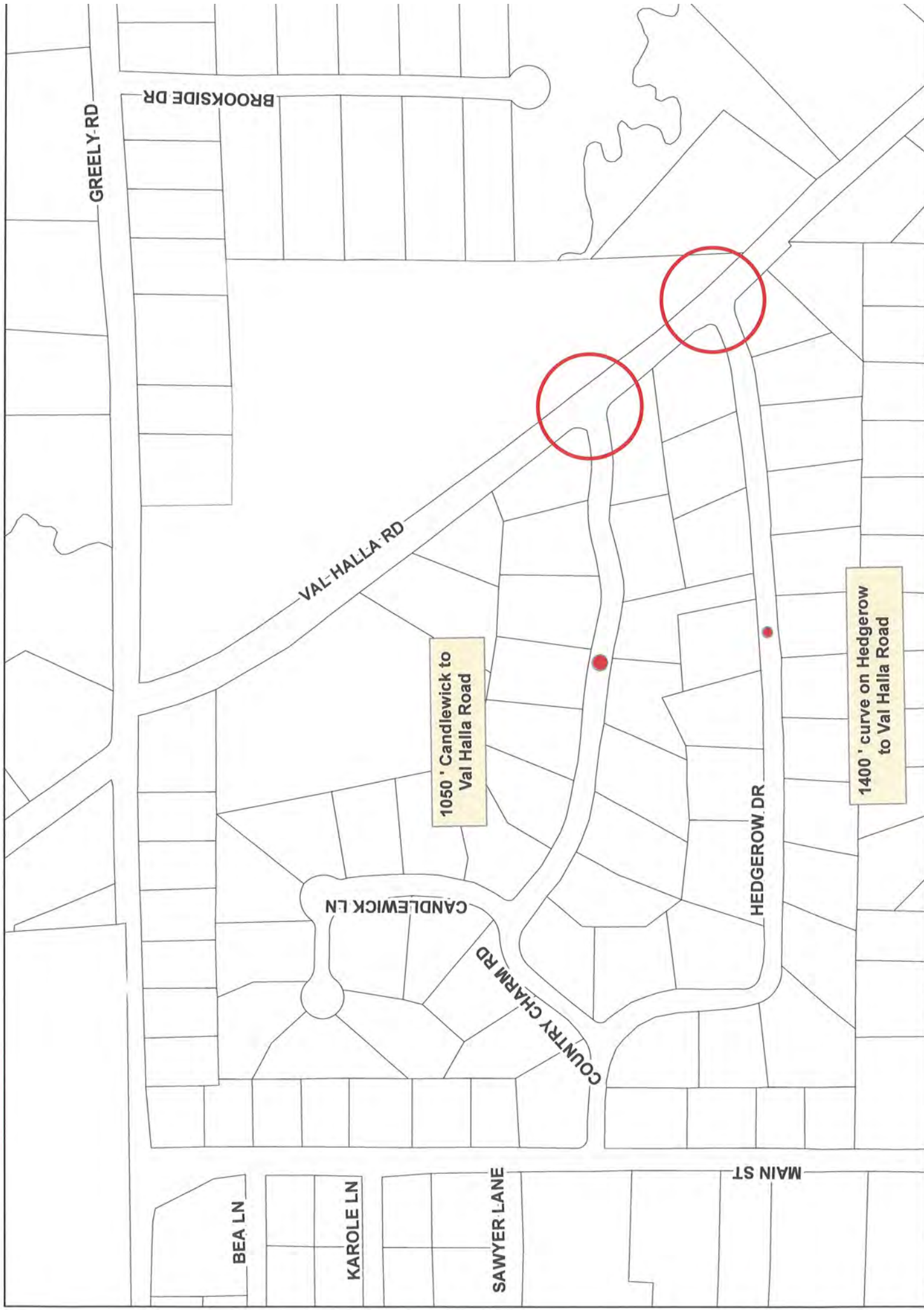
The road historically has had 85<sup>th</sup> percentile traffic speeds 10 mph over the posted 25 mph speed limits. A copy of the previous speed study is attached to this cover memorandum. Any action by the Town Council would require a Public Hearing to amend the Traffic Ordinance and if significant expenditures are needed it may be best to coordinate traffic improvements with the future paving of these roads in FY 2016.





# Val Halla - Hedgerow - Country Charm Area





250 125 0 250 Feet

# Val Halla - Hedgerow - Country Charm Area

# Val Hall Road Speed Study

1861 25 mph

36.4 85th Percentile

MPH	Tuesday 6-May	Wednesday 7-May	Thursday 8-May	Friday 9-May	Saturday 10-May	Sunday 11-May	Monday 12-May	Total in Range	MPH
10 MPH	4	0	2	3	4	2	0	15	10
15 MPH	4	5	7	3	10	6	7	42	15
20 MPH	17	23	23	27	50	23	23	186	20
25 MPH	33	61	53	70	109	59	48	433	25
30 MPH	43	78	55	90	145	77	56	544	30
								1220	81%
35 MPH	13	34	19	24	67	28	25	210	35
40 MPH	2	6	4	8	17	7	5	49	40
45 MPH	2	1	2	0	4	2	1	12	45
50 MPH	0	0	0	0	1	2	0	3	50
55MPH	0	1	1	0	1	0	0	3	55
60 MPH	0	0	1	0	0	1	0	2	60
65 MPH	0	0		1	0	0	1	2	65
70 MPH	0	0		0	0	0	0	0	70
								281	19%
	118	209	167	226	408	207	166	1501	

85% 100.3 177.65 192.1 346.8 175.95 175.95 141.1

1860 25 mph Toward Greely

35 85th Percentile

MPH	Tuesday 6-May	Wednesday 7-May	Thursday 8-May	Friday 9-May	Saturday 10-May	Sunday 11-May	Monday 12-May	Total in Range	MPH
10 MPH	2	1	5	1	4	3	1	17	10
15 MPH	9	8	12	8	23	4	9	73	15
20 MPH	15	25	11	27	67	32	38	215	20
25 MPH	30	45	23	69	128	72	33	400	25
30 MPH	19	41	14	39	95	63	17	288	30
								993	85%
35 MPH	7	16	5	14	42	16	11	111	35
40 MPH	2	5	3	6	10	7	4	37	40
45 MPH	2	0	0	2	3	1	1	9	45
50 MPH	0	1	0	0	3	1	0	5	50
55MPH	0	0	0	0	1	2	0	3	55
60 MPH	0	0	0	0	4	1	0	5	60
65 MPH	0	2	0	0	1	1	1	5	65
70 MPH	0	0		0	0	0	0	0	70
								175	15%
	86	144	73	166	381	203	115	1168	

85% 73.1 122.4 62.05 141.1 141.1 323.85 97.75

May 2003



**Val Halla Road Area  
Neighborhood Meeting  
Thursday, November 20, 2003  
7 PM Council Chambers**

*Meeting Notes*

**I. Introductions of Town Staff**

Bill Shane, Town Manager and Joe Charron, Police Chief were introduced to the neighborhood. Councilors Jeff Porter, Bill Stiles, and Steve Moriarty were also introduced.

**II. Overview of the Traffic Study**

Bill Shane reviewed the Traffic Study that was completed in early May 2003. During this Study, the 85% of the traffic traveled within **11 miles** of the posted speed limit. Shane explained this is slightly higher than the norm. Past neighborhood studies have shown 85% of all traffic traveled within **6-7 miles** of the posted speed limit. Shane explained that more aggressive enforcement with possible engineered solutions might need to be explored to bring the speeds down. Shane further explained in order to place traffic control devices such as speed bumps, 66% of the neighborhood would need to agree to the placement of such devices.

**III. Police & Public Partnership for Speed Deterrence**

Chief Charron asked the neighborhood to call in habitual offenders to the dispatch center. He told the group that the call would result in a phone call to the individual that the Police have been notified of that vehicle speeding in the neighborhood. He explained the phone call warning has had a great impact in other areas of Town. Charron explained that the Police Department has two officers per shift on patrol and that there are 31 neighborhoods that are presently monitored for speed/traffic issues. Charron urged the group not to walk into traffic to try to slow vehicles down. This has been an issue in other neighborhoods and has resulted in warnings from the Department to the individual. Charron explained that all speeding fines are sent to Augusta and the Town receives nothing. Beginning in January, however, the Town's will receive 10% of all fines collected.

#### **IV. Open Discussion – Discussion Points & Comments**

- Park an empty cruiser to discourage speeding
- Hedgerow- need to address speeding especially in hidden turns
- Golfers speeding on the weekends to make tee times
- A large majority of the neighbors would vote for speed bumps
- Need a Stronger Police Presence similar to “Officer Mike” 6 years ago
- Need to Address impaired drivers from Val Halla functions
- Litter from the Golf Course is becoming increasingly tiresome. Need trash cans in the parking lot areas
- Close-off Hedgerow & Country Char at Val Halla Road permanently
- Used to have a rock brigade on the weekend that placed rocks in the road to discourage speeders and PW removed the rocks in Monday Mornings
- Install big Speed bumps 4” + in height
- Another Stop sign at Country Charm & Val Halla Road
- Speed Limit on Larger Signs
- What is the Speed limit legally? (Now it is 25 mph before 6/03 legally 30 mph).
- Delivery Trucks speeding on Val Halla Road and Hedgerow at all hours of the morning 5:30 AM on.
- Late night careless drivers have landed on several front lawns on Hedgerow
- Kids parking & Partying on Val Hall Road at the end as well as the beginning near the big drop off
- Check Jack Street in Portland for possible Rumble Strip solution
- Did Speed Study Surprise the Town? ( Manager & Police Chief)
- Can Stop bars be painted on Val Hall Road at Hedgerow?
- Can Signs be double up n each direction for Stop?
- Can we install Double No Left turn lanes at Hedgerow- both sides of the street?
- Can the Golf Course post notices to their members and on their website?
- Can the Golf General Manager and Staff be present at the Next meeting?
- The White Camero is always flying up the Road.
- Can we meet again in January to discuss action and voting for Speed Bumps?

Bill Shane concluded the Meeting by saying Meeting notes would be sent to all neighbors along with the Traffic information a sample speed bump and rumble strip and a draft copy of a ballot. He also stated that neighbors need to begin speaking to each other about the issues. A 67% vote would be needed to incorporate any speed bumps and they would be installed in increments to determine the effectiveness. All Speed bumps would d be installed each May and removed November 1 or in October if impending snowstorms are forecasted.

#### **V. Adjournment**

*Hand-outs Attached*



January 22, 2004

**Re: Neighborhood Meeting II**

**Dear Val Halla Road Area Resident:**

On November 20, 2003, an invitation was extended to your neighborhood to attend a meeting to discuss traffic and speeding issues. At the meeting, it was felt a follow-up meeting in January would be appropriate to discuss the next steps and determine if there was enough support (67%) for the installation of some types of traffic calming devices.

A meeting has been scheduled to discuss neighborhood concerns related to speeds on Val Halla Road. A representatives from our Police Department and I would like to meet with you and the neighborhood to discuss the next phase.

**Wednesday, January 28 - 6:30 Town Hall  
290 Tuttle Road - Cumberland, Maine**

The Agenda for the Meeting:

- I. Introductions of Town Staff
- II. Overview of the Last Meeting
- III. Discussion of a Survey related to Traffic Control Devices
- IV. Open Discussion
- V. Adjournment

We will have handouts prepared for the meeting and we hope you will come with your questions and concerns. We will continue to be committed to having a Police presence in your neighborhood.

Sincerely,

William R. Shane, P.E.  
Town Manager

cc: Town Council

April 10, 2004

RE: Neighborhood Meeting III

Dear Val Halla Road Area Resident:

As a neighbor of Val Halla Road, you have recently been included among a survey regarding traffic calming issues. On November 20, 2003 and January 28, 2004 you were also invited to attend neighborhood meetings in order to voice your opinions and concerns to Town Staff. The opportunities to control traffic speeds, such as installing speed tables, were discussed at each of these meetings. I explained to those in attendance that, in order to implement such changes, 67 % of the neighbors (40 homes) would need to vote in favor of the project before I would recommend this item for the Town Council's consideration to hold a public hearing and take formal action.

We have received several responses to the recent surveys; however, fell short by 8 votes to approve any further action, such as speed tables. I would like to hold a final meeting on this matter at Town Hall Thursday, April 29, 2004 at 7:00 PM to discuss interim measures such as "slow cones" and/or advisory signage. Officer Milt Calder will also be in attendance to represent the Cumberland Police Department regarding this issue.

If you are unable to attend this meeting but wish to share your thoughts and concerns please forward any comments or e-mails to me prior to the meeting date. The meeting agenda will be as follows:

- I. Introductions of Town Staff Present
- II. Overview of the Last Meeting
- III. Discussion of Traffic "slow cones" and congested area signage "15 MPH"
- IV. Open Discussion
- V. Adjournment

Sincerely,

William R. Shane, P.E.  
Town Manager

CC: Town Council





MEETING AGENDA  
TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

---

**Thursday, April 29, 2004  
7 PM Council Chambers  
290 Tuttle Road - Cumberland, Maine**

- I. Introductions of Town Staff**  
Officer Ryan Martin Cumberland Police Dept  
Bill Shane, Town Manager
- II. Survey Results- Not 40 homes, but 73% approval**  
Vote 32 in Favor 12 Opposed - 60 Homes total in Neighborhood – 44 responded  
73% approval of Installation – Not as high for location  
Some have called since the Survey and asked to reconsider
- III. Discussion of Traffic Devices- Interim Step**  
“Slow cones” and congested area signage “20 MPH”
- IV. Citizens Police Academy – Officer Ryan Martin**
- IV. Open Discussion**  
What’s Next? Council Hearing – Next Date June 14<sup>th</sup> or 28<sup>th</sup>
- V. Adjournment**

# ITEM 13-140

To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals





B O A R D O F  
S E W E R A P P E A L S

Ralph Oulton, Chairman

Steve Sloan  
Eileen Wyatt  
Paul Chesley  
Doug Pride

Staff  
Bill Shane  
Brenda Moore  
Mike Crosby

**September 3, 2013**

**To: Mr. William Stiles  
Chairman  
Cumberland Town Council**

**Re: Revised Town Sewer Use Ordinance**

For the past several months the Board of Sewer Appeals has been reviewing the current version of the Town Ordinances relative to Sewer Use within the Town of Cumberland. The current Town Ordinance for Sewers, Paragraph 216, was last revised in 1999. The object of the Board of Sewer Appeals was to bring the Sewer Ordinance up to date with the requirements of 2013.

The attached amendments to the Sewer Use Ordinance have been provided in the long form, which shows the proposed changes highlighted in yellow, as well as a condensed version, which shows only the sections having modifications.

The Board of Sewer Appeals would like to propose making the proposed changes final with the Town Council approval. The Board will be represented at the September 23<sup>rd</sup> Town Council meeting to present and discuss the proposed changes to the Sewer Use Ordinance.

Sincerely yours,

Ralph Oulton  
Chairman

## Revisions to the Sewer Ordinance

### Chapter 216. SEWERS

#### § 216-3. Definitions

pg.2 **CODE ENFORCEMENT OFFICER**

A person certified under MSRA Title 30-A § 4451 employed by a municipality to enforce all applicable laws and ordinances to include Shoreland Zoning; Comprehensive Planning and Land Use; Internal Plumbing; Subsurface wastewater disposal; and building standards and more specifically defined under Section 2-A MSRA Title 30-A § 4451.

pg.2 **FOG FLOATABLE OIL**

**FOG (fats, oils or grease)** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

pg.3 **HEALTH OFFICER**

A person certified under MSRA Title 22 § 451 employed by a municipality to enforce all applicable laws and ordinances and is qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule.

pg.3 **INFLOW**

Water entering sanitary sewers from inappropriate connections is called inflow. Typical sources include sump pumps, roof drains, cellar drains, and yard drains where urban features prevent surface runoff, and storm drains are not conveniently accessible or identifiable. Inflow tends to peak during precipitation events, and causes greater flow variation than infiltration.

pg.3 **INFILTRATION**

Groundwater entering sanitary sewers through defective pipe joints and broken pipes is called infiltration. Pipes may leak because of careless installation; or they may be damaged after installation by differential ground movement, heavy vehicle traffic on roadways above the sewer, careless construction practices in nearby trenches, or degradation of the sewer pipe materials



#### pg.5 SEWER USER UNIT

The measure of flow equal to that generated by the average single-family household, which is **310- 150** gallons per day.

#### pg.5 UNPOLLUTED WATER

Water of quality equal to or better than the effluent criteria in effect **and in compliant with Maine Department of Environmental Protection rules and regulations** or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided

#### pg.6 WASTEWATER

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and any other buildings, together with any groundwater, surface water, and stormwater that may be present **unintentionally.**

### § 216-5. Private wastewater disposal.

**pg.7** C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The final inspection shall be made by the end of the second succeeding business day after the date of actual receipt of notice by the Plumbing Inspector or the installation shall be considered approved, unless the **Plumbing** Inspector gives notice of a delay in the inspection within the two days, in which case the **Plumbing** Inspector shall schedule inspection within 48 hours of said notice.

### § 216-6. Building sewers and connections.

F. Specifications.

**pg.9 (1) All building sewers shall conform to the standards of the Portland Water District Water and Sewer Construction Specifications and Procedures, Section V. Work Associated with Sewer Construction and related sections per the May 17, 2013 revision.**

**(1) — meet one of the following specifications:**

~~(a) Ring-Tite™ polyvinyl chloride (PVC) sewer, SDR35, American Society for Testing and Materials (ASTM) Specification D-3034, twelve and one-half foot or twenty-foot lengths, rubber ring lock-in, maximum allowable deflection 7 1/2%;~~

~~(b) Ring-Tite™ polyvinyl chloride (PVC) water pipe Class 160, SDR26, twenty-foot lengths, ASTM D-2241, rubber ring in belled groove, maximum allowable deflection 7 1/2%;~~

~~(c) Acrylonitrile butadiene styrene (ABS) sewer pipe ASTM D-2751 sewer grade; ??~~

~~(d) Extra-heavy cast iron soil pipe shall conform to ASTM Specification A-74 and American Standards Association (ASA) Specification 40.1; or ??~~

~~(e) Ductile iron push or joint sewer pipe of Class 50.~~

pg.9 (3) The depth of building sewers shall be sufficient to afford protection from frost. Any part of building sewer lines installed with less **than three four feet** ground cover shall be insulated as approved by the Superintendent.

pg.10 (4) The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means. The building sewer shall be laid on a firm bed and backfilled by hand with **3/4 "crushed stone. sand, gravel or clean fill with no stones larger than 1 1/2 inches. The hand fill shall be placed around the pipe and over it to a depth of at least six inches over the pipe.** The remainder of the trench may be backfilled **with existing materials. by machine. Backfill up to six inches over the pipe shall be hand tamped. Metallic tape or tracer wire shall be placed over the pipe bedding material per Portland Water District Standards listed in item (1) .**

p. 10 (5) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C-12, except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe **bedding** shall not exceed 36 inches.



pg. 10 ~~(9) Lead and oakum joints and solvent weld joints are allowed as an alternate, but only when installed by licensed master plumbers.~~

pg. 10 (9) Building sewer cleanouts shall be installed at intervals not to exceed ~~440- 90~~ feet in straight lines and at all ninety-degree turns. The cleanouts shall be installed vertically to within six inches of the surface. A stainless steel strap shall be installed around the cleanout. The Superintendent shall be provided building ties in writing with a sketch for all cleanout locations.

pg. 11 (10) Any replacing or relocating of building drain pipes inside the building shall require a separate permit to be taken out by either a master plumber or the owner.

pg. 10-11 ~~G. Whenever practical, the building sewer pipes shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.~~

~~(1) Low Pressure A septic tank in good condition as defined by the Superintendent may be used for a pumping tank. The outlet to the disposal area shall be disconnected and plugged.~~

~~(2) The sewage pump shall be capable of pumping solids and shall have at least a two-inch discharge line. If a grinder pump is installed, a one and one-half inch discharge line is permitted. Tanks shall be equipped with an alarm system wired to the building.~~

H. No person(s) shall make a connection of roof downspouts, floor drains, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent. If the trench is backfilled before being authorized by the Superintendent, the Superintendent shall require it to be re-excavated for inspection. The Superintendent shall make all inspections without undue delay.

J. Upon completion of the connection of the building sewer to the public sewer, the old septic tank shall be pumped out and filled with soil or removed.

**K.** All excavations for building sewer installation or maintenance shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**L.** No connection of a building sewer shall be made directly to a force main.

#### **§ 216-7. Sewer extensions.**

**pg.13** E. Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. Pump station telemetry shall be in accordance with the requirements of the Portland Water District. The Portland Water District shall approve, prior to installation, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than 150 gallons per minute shall be designed and constructed **to the current by the** Portland Water District **standards and specifications**, with the developer or the property owners requiring the pump station paying all of its costs.

#### **§ 216-8. Use of public sewers.**

**pg.15 (3)** Wastewater from industrial plants **or restaurants** containing **FOG floatable fats, oils or grease. oils, fat or grease.**

#### **§ 216-8. Use of public sewers.**

**Pg. 16 (5) (a)**

##### **Avg. Daily Limits of Toxic Substances in Sewage at the Falmouth Treatment Plant**

Iron, as FE	<b>5.0 1-9 ppm</b>
Chromium, as CR (hexavalent)	<b>3.0 0-5 ppm</b>
Copper, as Cu	1.0 ppm
Phenol	10.0 ppm
Cyanide, as CN	<b>0.5 0-05 ppm</b>



Cadmium, as Cd

0.5 0.01 ppm

Zinc, as ZN

0.5 ppm

Nickel

1.5 0.75 ppm

(b) If concentrations listed above are exceeded at the Falmouth Wastewater Treatment Plant, individual establishments will be subject to control by the Superintendent in volume and concentration of wastes discharged as follows, and any waters of wastewater containing arsenic or fluorides is prohibited from discharge to the sanitary sewer system:

	Maximum for Any 1 Day	Monthly Average Shall Not Exceed
Metal	(mg/l)	(mg/l)
Cadmium	0.11	0.07
Chromium Total	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.64	1.48
Cyanide	1.20	0.65

pg.19 H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be maintained by the owner so as to be safe and accessible for Town Sampling at all times.

Pg. 20 § 216-9. Damaging facilities; insurance.

- B. ~~A contractor must present a certificate of insurance showing minimum liability coverage of \$250,000/\$500,000 for bodily injury and a limit of \$100,000 for property damage, including collapse underground, and completed operations coverage with the Town listed as an additional insured before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.~~

"A contractor must present a Certificate of Liability Insurance showing minimum limits of General Liability coverage of \$1,000,000 per Occurrence & \$2,000,000 Aggregate, including Collapse, Underground & Explosion, and Completed Operations coverage with the Town listed as an Additional Insured with respect to Ongoing & Completed Operations (via ISO Form's CG2010 & CG2037 or their equivalent) for one year from completion of the project before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer."



## Chapter 216. SEWERS

**[HISTORY: Adopted by the Town of Cumberland 10-12-1983, as amended through 5-14-1990. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Stormwater management — See Ch. **242**.

Subdivision of land — See Ch. **250**.

#### **§ 216-1. Purpose.**

- A. It shall be the purpose of this chapter to reduce, to the extent practicable, existing pollution and to prevent further pollution caused by inadequate wastewater disposal and to accomplish the necessary local legislation to meet the requirements of the Portland Regional Wastewater Plan established by the Portland Water District, the State of Maine and the federal government. All this is in furtherance of the health, welfare, comfort and convenience of the inhabitants of the Town of Cumberland.
- B. Whereas the Portland Water District has been designated as the regional agency responsible for wastewater treatment, none of the provisions of this chapter shall be construed to repeal or otherwise interfere with the rights, duties and/or powers granted to the Portland Water District pursuant to Chapter 433 of the Private and Special Laws of the State of Maine of 1907, as amended.

#### **§ 216-2. Scope.**

Hereafter any person owning a building or structure within the Town of Cumberland which is the source of sewage and/or industrial wastes or who proposes to erect such a building or structure shall conform to the requirements of the State Plumbing Code, this chapter and any regulations thereunder. Outside consulting fees shall be charged in accordance with Chapter **315**, Zoning, § **315-81**.

#### **§ 216-3. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows. "Shall" is mandatory; "may" is permissive.

### **ABUTTER**

A parcel of land whose boundary closest to the sewer line, if extended across the street right-of-way, would cross the public sewer.

**BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BOARD OF SEWER APPEALS**

That Board appointed according to the provisions of § 216-11.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight feet (2.5 meters) outside the inner face of the building wall.

**BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal; also called "house connection."

**CODE ENFORCEMENT OFFICER**

A person certified under MSRA Title 30-A § 4451 employed by a municipality to enforce all applicable laws and ordinances to include Shoreland Zoning; Comprehensive Planning and Land Use; Internal Plumbing; Subsurface wastewater disposal; and building standards and more specifically defined under Section 2-A MSRA Title 30-A § 4451.

**COMBINED SEWER**

A sewer intended to receive both wastewater and stormwater or surface water.

**EASEMENT**

An acquired legal right for specific use of land owned by others.

**FLOATABLE OIL**

Fats, oils or grease (FOG) Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

**FORCE MAIN**

A pressurized section of sewer that conveys the discharge from a pump station to a higher-level destination which may be a treatment plant or a manhole in the gravity portion of the sewerage system.



**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**HEALTH OFFICER**

A person certified under MSRA Title 22 § 451 employed by a municipality to enforce all applicable laws and ordinances and is qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule.

**INFLOW**

Water entering sanitary sewers from inappropriate connections is called inflow. Typical sources include sump pumps, roof drains, cellar drains, and yard drains where urban features prevent surface runoff, and storm drains are not conveniently accessible or identifiable. Inflow tends to peak during precipitation events, and causes greater flow variation than infiltration.

**INFILTRATION**

Groundwater entering sanitary sewers through defective pipe joints and broken pipes is called infiltration. Pipes may leak because of careless installation; or they may be damaged after installation by differential ground movement, heavy vehicle traffic on roadways above the sewer, careless construction practices in nearby trenches, or degradation of the sewer pipe materials

**INDUSTRIAL WASTES**

The wastewater from industrial process, trade or business as distinct from sanitary wastes.

**NATURAL OUTLET**

Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**PERSON**

Any individual, firm, association, society, corporation or group.

**pH**

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution; neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of  $10^{-7}$ .

**PLUMBING INSPECTOR**

The Plumbing Inspector of the Town of Cumberland appointed pursuant to 30-A M.R.S.A. § 4221.

**PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER**

A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER**

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and other buildings, together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

**SANITARY WASTES**

The liquid wastes and liquid-borne wastes discharged from sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms and kitchens and essentially free of industrial wastes or toxic materials.

**SEWAGE**

The spent water of a community. The preferred term is "wastewater." See definition of "wastewater."

**SEWER**

A pipe or conduit that carries wastewater or drainage water.

**SEWER PERMIT**

A written permit obtained from the Town for disposal of sewage from a commercial or residential unit through appropriate building drains to the public sewer and finally to the Town's wastewater facilities.



**SEWER USER UNIT**

The measure of flow equal to that generated by the average single-family household, **which is 340- 150 gallons per day**

**SLUG**

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of wastewater treatment works.

**STORM DRAIN (sometimes termed "storm sewer")**

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUPERINTENDENT**

The official directly in charge of the Cumberland sewer system as designated by the Town Council, or the Superintendent's authorized deputy, agent or representative.

**SUSPENDED SOLIDS**

The total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtrating, as prescribed in Standard Methods for the Examination of Water and Wastewater, and referred to as "nonfilterable residue."

**TOWN**

The Town of Cumberland, Maine.

**TOWN COUNCIL**

The duly elected Town Council of the Town of Cumberland.

**UNPOLLUTED WATER**

Water of quality equal to or better than the effluent criteria in effect **and in compliant with Maine Department of Environmental Protection rules and regulations** or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided

## **WASTEWATER**

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and any other buildings, together with any groundwater, surface water, and stormwater that may be present **unintentionally.**

## **WASTEWATER FACILITIES**

The structures, equipment and processes required to collect, carry away, and treat sanitary and industrial wastes and dispose of the effluent.

## **WASTEWATER TREATMENT WORKS**

An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

## **WATERCOURSE**

A natural or artificial channel for the passage of water either continuously or intermittently.

### **§ 216-4. Unlawful deposits and discharges; connection to public sewer required.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Cumberland or in any area under the jurisdiction of said Town any human or animal excrement, garbage or objectionable waste. The term "unsanitary manner" shall not include seasonal spreading of animal excrement or other fertilizer in farming or animal husbandry operations.
- B. It shall be unlawful to discharge to any natural outlet within the Town of Cumberland, or any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner of any house, building or other structure used for human occupancy, employment, recreation or other purposes requiring the disposal of wastewater, abutting and situated within 200 feet of any sanitary sewer, excluding any force main leading to a wastewater treatment plant, shall at the owner's own expense connect its wastewater facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter within 90 days after the date of notice by the Superintendent to do so. The two-hundred-foot measurement shall



be made by a straight line from the end of any stub provided by the Town, otherwise from any gravity portion of the public sewer, to a point on the building other than the foundation for any garage or other attached accessory building, unless it contains a toilet or sink or contains other facilities regularly generating sewage. If the owner can prove to the satisfaction of the Superintendent that suitable private wastewater disposal is currently in use, the owner shall be exempt from connecting to the public sewer but shall be assessed a readiness-to-serve fee equal to the minimum charge as established as if a connection were made.

- E. All owners of sewer user units shall be subject to a readiness-to-serve fee equal to the minimum charge as established as if a connection had actually been made to a single-family residence, whether such connection has actually been made or not, times the number of sewer user units owned, subject to the exceptions stated in § 216-7C.

#### **§ 216-5. Private wastewater disposal.**

- A. The owner of any house, building or other structure who is not required to connect its wastewater facilities to a public sanitary sewer in accordance with the provisions of § 216-4D hereof shall connect the building sewer to a private wastewater disposal system complying with the provisions of this section and the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241.
- B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on a form furnished by the Division of Environmental Health, Maine Department of Health and Human Services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee shall be paid to the Plumbing Inspector at the time the application is filed.
- C. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. The Plumbing Inspector shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection and before any underground portions are covered. The final inspection shall be made by the end of the second succeeding business day after the date of actual receipt of notice by the Plumbing Inspector or the installation shall be considered approved, unless the **Plumbing** Inspector gives notice of a delay in the inspection within the two days, in which case the **Plumbing** Inspector shall schedule inspection within 48 hours of said notice.



- D. The type, capacities, location and layout of a private wastewater disposal system shall comply with the State of Maine Subsurface Disposal Rules, Chapter 241, and the Maine Uniform Building and Energy Code.
- E. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.
- F. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town Health Officer.
- G. The contents from private wastewater disposal systems shall not be discharged to the public sewer system.

**§ 216-6. Building sewers and connections.**

- A. No person(s) shall commence construction of building sewers or uncover or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent, which permit shall be valid for six months. Any person proposing a new discharge of industrial waste into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection
- B. There shall be two classes of sewer permits: for service to establishments producing sanitary wastes and for service to establishments producing industrial wastes. In either case, the owner(s), or his agent, shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee in such amount as shall from time to time be established by the Town Council shall be paid to the Town at the time the application for a permit is filed. Any violation of Subsection A shall require the applicant to pay a double permit and inspection fee.
- C. All costs and expenses incidental to the installation, connection, repair and maintenance of the building sewer from the wall of the building to the point of entrance to the public sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of the building sewer. If a public sewer connection is not presently available, the Town or its agents will install the tee connection to the public sewer at the applicant's expense.
- D. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building by arrangement of the owners and the whole



considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

F. Specifications.

- (1) All building sewers shall conform to the standards of the Portland Water District Water and Sewer Construction Specifications and Procedures, Section V. Work Associated with Sewer Construction and related sections per the May 17, 2013 revision.

~~(1) meet one of the following specifications:~~

~~(a) Ring-Tite™ polyvinyl chloride (PVC) sewer, SDR35, American Society for Testing and Materials (ASTM) Specification D-3034, twelve and one-half foot or twenty-foot lengths, rubber ring lock-in, maximum allowable deflection 7 1/2%;~~

~~(b) Ring-Tite™ polyvinyl chloride (PVC) water pipe Class 160, SDR26, twenty-foot lengths, ASTM D-2241, rubber ring in belled groove, maximum allowable deflection 7 1/2%;~~

~~(c) Acrylonitrile butadiene styrene (ABS) sewer pipe ASTM D-2751 sewer grade; ??~~

~~(d) Extra-heavy cast-iron soil pipe shall conform to ASTM Specification A-74 and American Standards Association (ASA) Specification 40.1; or ??~~

~~(e) Ductile iron push or joint sewer pipe of Class 50.~~

- (2) The diameter of the building sewer shall not be less than four inches nor shall the slope of the pipe beginning eight feet outside any building be less than 1/4 inch per foot unless approved by the Superintendent.

- (2) The depth of building sewers shall be sufficient to afford protection from frost. Any part of building sewer lines installed with less than three feet ground cover shall be insulated as approved by the Superintendent.



- (3) The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means. The building sewer shall be laid on a firm bed and backfilled by hand with **3 /4 " crushed stone sand, gravel or clean fill with no stones larger than 1 1/2 inches. The hand fill shall be placed around the pipe and over it to a depth of at least six inches over the pipe. The remainder of the trench may be backfilled with existing materials, by machine. Backfill up to six inches over the pipe shall be hand tamped. Metallic tape or tracer wire shall be placed over the pipe bedding material per Portland Water District Standards listed in item (1) .**
- (5) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C-12, except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed **pipe bedding shall not exceed 36 inches.**
- (6) All joints and connections shall be made gastight and watertight. The transition joint between pipes of different materials shall be made with adaptors and joint materials approved by the Superintendent.
- (7) Pre-molded gasket joints shall be used and shall be neoprene compression-type gaskets which provide a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit designed for joining the pipe material used.
- (8) The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe coupling tools designed for that purpose. Lubricant shall be a blend, flax base, nontoxic material and shall not chemically attack the gasket material.
- ~~(9) **Lead and oakum joints and solvent weld joints are allowed as an alternate, but only when installed by licensed master plumbers.**~~
- (9) Building sewer cleanouts shall be installed at intervals not to exceed 110 90 feet in straight lines and at all ninety-degree turns. The cleanouts shall be installed vertically to within six inches of the surface. A stainless steel strap shall be installed around the cleanout. The Superintendent shall be provided building ties in writing with a sketch for all cleanout locations.**



- (10)** Any replacing or relocating of building drain pipes inside the building shall require a separate permit to be taken out by either a master plumber or the owner.

~~G. Whenever practical, the building sewer pipes shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.~~

~~(1) Low Pressure A septic tank in good condition as defined by the Superintendent may be used for a pumping tank. The outlet to the disposal area shall be disconnected and plugged.~~

~~(2) The sewage pump shall be capable of pumping solids and shall have at least a two-inch discharge line. If a grinder pump is installed, a one-and-one-half-inch discharge line is permitted. Tanks shall be equipped with an alarm system wired to the building.~~

- H.** No person(s) shall make a connection of roof downspouts, floor drains, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I.** The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent. If the trench is backfilled before being authorized by the Superintendent, the Superintendent shall require it to be re-excavated for inspection. The Superintendent shall make all inspections without undue delay.
- J.** Upon completion of the connection of the building sewer to the public sewer, the old septic tank shall be pumped out and filled with soil or removed.
- K.** All excavations for building sewer installation or maintenance shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- L.** No connection of a building sewer shall be made directly to a force main.

#### **§ 216-7. Sewer extensions.**

- A.** Any person who subdivides land within the Town, of which any part either is located within 500 feet of a public sanitary sewer or is so located that it can be



connected to such public sanitary sewer without undue hardship, as determined by the Planning Board, shall, if such subdivision has not been finally approved before the effective date of this chapter, at the subdivider's own expense, construct for dedication to the Town a sanitary sewer extension to serve all structures within such subdivision which will require the disposal of sewage. Such sanitary sewer shall be designed by a registered engineer, its design shall be approved by the Town and its design, construction and acceptance shall be in accordance with the provisions of Subsections C, D and E of this section.

- B. Any one or more property owners, builders or developers may propose the extension of any sanitary sewer within the Town by presenting to the Town Council a petition signed by the owners of at least 2/3 of the buildings and properties which would be required to connect to such sewer or be assessed a readiness-to-serve charge under the provisions of § 216-4D or E. If the Council does not elect that the Town construct such an extension, it may permit the petitioners to construct the same for dedication to the Town upon a determination that such extension is consistent with Town plans for public sewers, is properly located and sized, and may lawfully be so constructed. Such sanitary sewer shall be designed by a registered engineer; its design and acceptance shall be in accordance with the provisions of Subsections C, D and E. Any sewer extension shall be of adequate size and depth to permit further extensions of sewer service.
- C. The Town Council may, on its own initiative, determine to extend the public sewer down any public way within the Town if it determines that such an extension would be in the best interest of the health and welfare of the abutting property owners along said way. When such extensions are made by Council order, the cost of the construction of the actual extension will be borne by the Town. However, all abutting landowners who are discharging septic waste shall be required to connect to said sewer at such time as their existing septic system fails or when any new or replacement system is proposed for existing dwellings or as part of the development of vacant land adjoining said sewer extension. The Town Council shall, by order, establish an access charge equal to a reasonable reimbursement to the Town for its cost in extending said sewer. Said order shall be specific to each new sewer extension and shall be attached to this chapter as a schedule of charges. No readiness-to-serve charge shall be made on said municipal sewer extensions constructed prior to October 31, 1999. A readiness-to-serve fee shall be made on all said municipal sewer extensions constructed after October 31, 1999. The only other costs to be assessed to all property owners served by a municipal sewer extension shall be the determined access charge, permit fees and installation costs, when the property becomes served by the sewer directly, and thereafter property owners shall pay all normal charges assessed to users within this chapter. Any such sewer extensions approved by the Town Council shall comply with the design standards adopted by the Town for all other sewer extensions and may be constructed of adequate size and depth to permit further extensions.



- D. Any person constructing a sanitary sewer extension in accordance with Subsections **A** and **B** shall pay for the entire installation, including all expenses incidental thereto, including design review by the Town Engineer; the expense of design review by the Town Engineer shall be calculated on the basis of the number of hours spent by the Town Engineer in review of the design times the hourly rate established by order of the Town Council, and all expenses shall be paid to the Town prior to construction of the sanitary sewer extension. Each building sewer must be installed and inspected as required by § **216-4** and all connections shall be made as required under § **216-4**; permit and inspection fees shall be paid for each building sewer connection to the sanitary sewer extension in accordance with § **216-6**. The installation of the sewer extension must be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decision shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the testing required in the sewer design specification as adopted by the Town before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.
- (1) Inspector services. The Town may require the developer to pay the cost of inspector services as may be required by the Town, up to and including a full-time inspector.
  - (2) Outside review fee. The applicant shall be required to pay outside consulting fees under Chapter 315, Zoning, § 315-81, as may be amended.
- E. Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. Pump station telemetry shall be in accordance with the requirements of the Portland Water District. The Portland Water District shall approve, prior to installation, all necessary instrumentation for all pump stations. All pump stations with an installed design capacity greater than 150 gallons per minute shall be designed and constructed **to the current by the Portland Water District standards and specifications**, with the developer or the property owners requiring the pump station paying all of its costs.
- F. The Town Engineer shall approve any sanitary sewer extension constructed under Subsections A and B, and he shall be given a complete plan and profile thereof as constructed, before acceptance thereof, and before final acceptance of the subdivision street in which it is located, by the Town. Any person constructing a sanitary sewer extension in accordance with Subsections A and B shall pay, prior to Town acceptance of the sanitary sewer extension, all expenses incidental to the Town Engineer's review and approval of the constructed sanitary sewer extension, which expense shall include but shall not be limited to the cost of the Town Engineer's review and approval, which cost shall be calculated on the basis of the number of hours spent by the Town Engineer on said review and approval times the hourly rate established by order of the Town Council. All sewer extensions, including pump stations, constructed at the property owner's, builder's or developer's expense, after final approval and acceptance by the Superintendent, shall become the property of the Town and shall thereafter be



maintained by the Town within a time period of six months if accepted. Said sewers or pump stations, after their acceptance by the Town, shall be guaranteed by the property owner, builder or developer against defects in materials or workmanship for 12 months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 10% of the Engineer's estimate of the cost of the sewer extension or pump station.

- G. No builder or developer shall be issued a building permit for a new building or structure requiring sanitary facilities within the Town unless a suitable and approved method of sewage disposal is proposed and approved by the Town.

**§ 216-8. Use of public sewers.**

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer. Combined sewers are expressly prohibited.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet.
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (2) Any waters containing toxic or poisonous solids, liquids, or gases.
  - (3) Any waters or wastes having a pH lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewer's wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb,



or public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in the Superintendent's opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (1) Wastewater having a temperature higher than 150° F. (65° C.).
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater from industrial plants **or restaurants** containing **FOG floatable fats, oils or grease. oils, fat or grease.**
- (4) Any garbage that has not been properly shredded (see the definition of "properly shredded garbage" in § 216-3). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder in a nonresidential establishment shall be subject to the review and approval of the Superintendent.
- (5) Any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of Falmouth's Wastewater Treatment Plant.
  - (a) Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it arrives at the treatment plant, and at no time shall the hourly concentration at the wastewater treatment plant exceed three times the average concentration.

**Avg. Daily Limits of Toxic Substances in Sewage at the Falmouth Treatment Plant**

Iron, as FE	5.0 1.0 ppm
Chromium, as CR (hexavalent)	3.0 0.5 ppm
Copper, as Cu	1.0 ppm
Phenol	10.0 ppm
Cyanide, as CN	0.5 0.05 ppm
Cadmium, as Cd	0.5 0.01 ppm
Zinc, as ZN	0.5 ppm
Nickel	1.5 0.75 ppm

(b) If concentrations listed above are exceeded at the Falmouth Wastewater Treatment Plant, individual establishments will be subject to control by the Superintendent in volume and concentration of wastes discharged as follows, and any waters or wastewater containing arsenic or fluorides is prohibited from discharge to the sanitary sewer system:

Metal	Maximum for Any 1 Day (mg/l)	Monthly Average Shall Not Exceed (mg/l)
Cadmium	0.11	0.07
Chromium Total	2.77	1.71
Copper	3.38	2.07
Lead	0.69	0.43
Nickel	3.98	2.38
Silver	0.43	0.24
Zinc	2.61	1.48
Cyanide	1.20	0.65

- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.



- (7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations, or both which constitute a slug as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(11) Sanitary wastewater which exceeds the following limits:

Constituent	Limit
BOD	300 ppm
Suspended solids	350 ppm
Chlorine demand	15 ppm

E. Authority of Superintendent.

- (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection **D** of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
  - (a) Reject the wastes;
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection **K** of this section.
- (2) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

F. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, as specified in Subsection **D(3)**, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and the means of



disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed disposal firms.

- G. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be maintained by the owner so as to be safe and accessible **for Town Sampling** at all times.
- I. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
  - (1) Wastewater discharge peak rate and volume over a specified time period;
  - (2) Chemical analysis of wastewaters;
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  - (5) A plot plan of the sewers on the user's property showing sewer and pretreatment facility location;
  - (6) Details of wastewater pretreatment facilities; and
  - (7) Details of systems to prevent and control the loss of materials through spills to the municipal sewer.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent. All industries discharging industrial waste into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized



employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

- K. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment.

#### **§ 216-9. Damaging facilities; insurance.**

- A. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. ~~A contractor must present a certificate of insurance showing minimum liability coverage of \$250,000/\$500,000 for bodily injury and a limit of \$100,000 for property damage, including collapse underground, and completed operations coverage with the Town listed as an additional insured before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.~~

"A contractor must present a Certificate of Liability Insurance showing minimum limits of General Liability coverage of \$1,000,000 per Occurrence & \$2,000,000 Aggregate, including Collapse, Underground & Explosion, and Completed Operations coverage with the Town listed as an Additional Insured with respect to Ongoing & Completed Operations (via ISO Form's CG2010 & CG2037 or their equivalent) for one year from completion of the project before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer."

*From Clark Insurance - Heather Caston-Talbot 8/16/2013*

#### **§ 216-10. Powers and authority of inspectors.**

- A. The Superintendent and other duly authorized employees or agents of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provisions of this chapter, but only at reasonable times and upon reasonable notice.



- B. The Superintendent or other duly authorized employees or agents are authorized to obtain information concerning industrial processes which has a direct bearing on the kind and source of discharge to the wastewater collection system. Any information so obtained and considered as proprietary shall be deemed as confidential and shall be held so by the Superintendent and Town.
- C. While performing the necessary work on private properties referred to in Subsections **A** and **B** above, the Superintendent or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.
- D. The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **§ 216-11. Board of Sewer Appeals.**

- A. Creation and appointment. The establishment of a Board of Sewer Appeals is hereby authorized. The members of the Board shall be appointed by the Town Council. They shall be residents of the Town and shall serve without compensation. In accordance with the laws of the State of Maine, the following provisions shall apply:
  - (1) The Board shall consist of five members. A quorum shall consist of three members.
  - (2) The term of office of members shall be three years, except that the initial appointment of members shall be one for one year, two for two years, and two for three years.
  - (3) No municipal officer shall be a member of the Board of Sewer Appeals.
  - (4) The Town Council may remove a member of the Board of Sewer Appeals. Unexcused absence of any member from three consecutive meetings of the Board shall be considered cause for such removal.

- (5) When there is a permanent vacancy, whether caused by death, resignation, removal or loss of eligibility, the Town Council may appoint a person to serve for the unexpired term.
  - (6) The Board of Sewer Appeals shall elect a Chairman and a Secretary from its own membership annually.
- B. Jurisdiction. The Board of Sewer Appeals shall have the following powers and duties, to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, Town Engineer, the Health Officer, and/or the Plumbing Inspector insofar as such decision arises from requirements of this chapter:
- (1) To determine whether the decisions of said officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty.
  - (2) To grant variances from the terms of this chapter where there is no substantial departure from the intent of this chapter and/or, where necessary, to avoid undue hardship. A projected expenditure of an amount exceeding 15% of the assessed value of the buildings on the land to be served by the public sewer shall be considered as a prima facie evidence of undue hardship.
- C. Hearings. The Board of Sewer Appeals shall annually determine a regular monthly meeting date. All appeals or other matters to come before the Board, requiring a notice as prescribed herein, shall be filed with the Town Clerk at least 15 days prior to said next monthly meeting day, who shall cause to be advertised in a newspaper of general circulation in the Town of Cumberland a notice of such appeal identifying the property involved and the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than 10 days after the date of such publication.
- (1) The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause.
  - (2) Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned forthwith. Failure of the Board to issue such a notice within 30 days of the date of the hearing shall constitute a denial of said appeal.



D. Appeal procedure.

- (1) Any person and any municipal department aggrieved by the decision of the Superintendent, the Town Health Officer and/or the Plumbing Inspector, which decision arises from provisions of this chapter, may appeal such decision to the Board of Sewer Appeals.
- (2) Within 30 days of the date of the decision of the Superintendent, Health Officer, and/or Plumbing Inspector, the appeal shall be entered at the office of the Town Clerk upon forms to be approved by the Board of Sewer Appeals. The appellant shall set forth in said form the grounds of the appeal and shall refer to the specific provisions of this chapter involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the officer concerned and the Chairman of the Board of Sewer Appeals. The appellant shall pay to the Town Treasurer a fee as set by the Town Council.
- (3) An aggrieved party may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

E. Successive appeals. After a decision has been made by the Board of Sewer Appeals, a new appeal of similar import shall not be entertained by the Board until one year shall have elapsed from the date of said decision, except that the Board may entertain a new appeal if the Chairman believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if he believes that a change has taken place in some essential aspect of the appeal.

**§ 216-12. Sewer service charges.**

- A. Sewer service charges totaling 100% of the revenues needed for retiring debt services, capital expenditures and operation and maintenance of the public sewerage works shall be collected from all users of the public sewer system and those required to pay a readiness-to-serve charge as defined in § 216-4D and E.
- B. Sewer service charge rates, including readiness-to-serve charges, shall be determined by the Town Council. This charge will be billed on a monthly or quarterly basis throughout each calendar year.
- C. The sewer service charge to any user shall be based on the amount of water estimated or measured as shown on the records of the Portland Water District, provided to the sewer user during the previous billing period; provided, however, that where water is obtained from a source or sources other than the Portland Water District, whether or not the Portland Water District also supplies water, the computation shall include the amount of water obtained from all such other sources, unless the user establishes to the satisfaction of the Superintendent that the water from such other sources is not entering the sewer system. The Superintendent may require additional metering, either of water sources or of the sewer outflow, to be installed and maintained at the owner's expense where, in



the Superintendent's opinion, such metering is required to accurately measure the volume of wastewater entering the sewer system. Any person who feels that recorded water records are not a reliable index of the discharge volume may install an additional water meter of a type approved by the Superintendent to measure the volume of water which can be shown not to enter the sewerage system. The person installing such a meter shall immediately notify the Superintendent of such installation and shall be responsible to the Superintendent for reporting meter readings not less often than every three months. Such person shall be credited with the volume charges for the volume shown by such meter, which meter shall be accessible for reading by the Town or its agents at all reasonable times.

- D. There shall be a readiness-to-serve charge equal to the minimum sewer service charge for those properties that can be served as defined in § **216-4D** and **E** but that have not connected to the public sewer system. The payment of such charge in no way affects the obligation of the owner of such property to connect to the public sewer system in conformance with this chapter. These funds can be used only for payment of fixed costs that are not related to flow.
- E. Each owner of sewer user units shall pay a minimum sewer service charge for fixed costs, not related to flow, for each sewer user unit owned, regardless of whether the unit is in use or not, subject to the exceptions stated in § **216-7C**.
- F. The Town Council reserves the right, from time to time, to change sewer service charges originally or previously assessed to any property owner.
- G. All sewer charges billed by the Portland Water District are due upon presentation and are payable to the District. All delinquent unpaid sewer charges will be turned over to the Treasurer of the Town. There shall be a lien on real estate served or benefited by a municipal sewage disposal system to secure the payment of service charges duly established hereunder which shall take precedence over all other claims on such real estate, excepting only claims for taxes. The Treasurer of the municipality shall have the same authority and power to collect such service charges as is granted by 38 M.R.S.A. § 1208 to treasurers of sanitary sewer districts. In addition to the lien established hereby, the Town may maintain a civil action against the party so charged for the amount of said sewer charge in any court competent to try the same and in such action may recover the amount of such charge with legal interest on the same from the date of said charge and costs.
- H. An interest charge at the same rate as established by the Town Council for uncollected taxes will be made on all bills not paid within 60 days after date of billing.
- I. A special sewer service charge shall be established for any industrial firm or organization which, by virtue of the volume, strength or unusual characteristic of its waste alone, would overload or upset the capacity or efficiency of the sewage



works or any part thereof if such waste entered the public sewer or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town Council, after appropriate study and advice, shall establish a special agreement with said firm. The applicable portions of the preceding sections as well as the equitable rights shall be the basis for such an arrangement.

**§ 216-13. Violations and penalties.**

- A. Any person found to be violating any provision of this chapter except §§ **216-9** and **216-12** shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated on such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection **A** shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in an amount not exceeding \$100 for each violation. Each day in which any such violation of any of the provisions of this chapter continues, the owner shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

**§ 216-14. Conflicting provisions.**

If Town ordinances or parts of Town ordinances are in conflict with this chapter, the more restrictive shall apply.

# ITEM

## 13-141

To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes*



## **Chapter 315: Zoning**

### **Section 4. Word usage and definitions.**

#### **BUSINESS AND PROFESSIONAL OFFICE**

*The place of business of individuals or groups providing professional services, including but not limited to doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, and counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services, excluding freestanding automated teller machines (ATMs). This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

# ITEM

## 13-142

To set a Public Hearing date (September 23<sup>rd</sup>) to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet



**§315-52. Height Regulations.**

Height limitations for all districts shall be ~~35~~ 40 feet. ~~The~~ Board of Adjustment and Appeals may allow a greater height as a variance in any district upon a finding that a literal enforcement of this section would result in unnecessary and undue hardship as defined by state statute and this chapter. The proposed height ~~will~~ shall not adversely affect other property in the same district and neighborhood and ~~that the~~ granting of such ~~approval~~ variance by the Board ~~will~~ shall not substantially depart from the intent and purposes of this chapter, where it is consistent with the objectives of the Comprehensive Plan and is in a scale with its environs. These regulations shall not apply to silos for the storage of feed crops or to steeples.

# ITEM

## 13-143

To send to the Planning Board for a Public Hearing and recommendation,  
draft zoning amendments to §118-7A(1) of the Cumberland Code  
(Growth Permits) to increase the maximum number of new growth  
permits issued annually





## TOWN OF CUMBERLAND

ADMINISTRATION DEPARTMENT

**To:** Bill Shane, Town Manager  
**From:** Alyssa Tibbetts, Assistant Town Manager  
**Date:** September 5, 2013  
**Re:** Growth Permits  
**CC:** Town Council

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Municipalities are not required to, but are permitted to adopt a rate of growth ordinance per state statute. (30-A § 4360) If enacted, the ordinance must be reviewed at least every three years and must be consistent with the Town's comprehensive plan. The ordinance may establish a limit of new building permits for residential dwellings at no less than 105% of the mean number of permits issued during the previous 10 years, excluding permits issued for affordable housing. Additionally, the ordinance may set the number of building permits for affordable housing at no less than 10% of the total number of permits allowed.

Over the past decade, the average number of new residential development permits was 41. Accordingly, the Town's growth ordinance may not limit new permits to a number below 43. The Growth Ordinance was amended in 2012 to increase the maximum allowable growth permits to 45 per year plus 5 for affordable housing units. At this time, the Town has already issued 45 growth permits for the 2013 calendar year and expects to reach at least 70 by the end of the year. This does not include the development in Village Green per its contract zoning agreement, but does include the development at Castlerock and Morrison's Hill.

The Planning Board and Council may increase the number of growth permits to meet current development conditions or eliminate the ordinance entirely. The highest number of permits over the past decade was 68 in 2003 and the lowest was 16 in 2010. The Ordinance Committee reviewed this information and proposed an increase in the maximum allowable growth permits to 65 plus an additional 7 permits for affordable housing units, as required by statute. Further, the committee discussed amending the ordinance to allow for the carry forward of up to ten permits from a prior year and the borrowing of up to ten permits from a subsequent year, not to exceed 85 permits total in any one calendar year.

It is worth noting that the Impact Fee Ordinance was also amended in 2012 and the revised impact fee calculation is directly tied to the current growth permit maximum of 50. Any change to the maximum allowable growth permits would likely result in another review of the impact fee calculation.

## **GROWTH MANAGEMENT ORDINANCE**

### **101. TITLE**

This Ordinance shall be known as the “Growth Management Ordinance of the Town of Cumberland, Maine” and shall be referred herein as the “Ordinance”.

### **102. LEGAL AUTHORITY**

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.

### **103. PURPOSE**

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland by placing limitations on residential development and meeting the following: (Amended 09/08/03, Effective 09/23/03)

103.1. To provide for the immediate housing needs of the existing residents of Cumberland.

103.2. To ensure fairness in the allocation of Building Permits. (Amended 09/08/03, Effective 09/23/03)

103.3. To plan for continued residential population growth of Cumberland which would be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.

103.4. Avoid a situation in which the rapid development of new residences, potentially housing many families with school-age children, could outpace the town’s capability to expand its schools and other services soon enough to avoid serious school over-crowding and a significant reduction in other services.

### **104. DEFINITIONS**

**Building Permit:** A permit is defined by and issued in accordance with the Cumberland Building Code and Section 602.1 of the Cumberland Zoning Ordinance.

**Calendar Year:** The period of time comprised of fifty-two (52) weeks commencing on January 1 and extending through December 31 on any given year. [Amended 12/17/01, effective 01/01/02]



**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment unit, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.

**Family:** A person or persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging residence, hotel or motel.

**Growth Permit:** A permit issued, in accordance with the provisions of this Ordinance, by the CEO to allow the establishment of a new dwelling unit.

**Manufactured Housing:** A fabricated pre-assembled dwelling unit designed to be transported after fabrication and to be used as living quarters. The term "Manufactured Housing" may include the term "Modular Home" and "Mobile Home", except that the fabricated single-family modular home is assembled on the building site on a permanent foundation.

**Person:** A person shall be defined to include an individual's spouse, parents, siblings and members of his or her immediate family unless the spouse, parents, sibling or immediate family member can demonstrate that the person seeking the Growth Permit owned the title to the property that is the subject of the Growth Permit independently of his spouse, parents, siblings or immediate family members as of May 1, 2000.

#### 105. **APPLICABILITY**

This Ordinance shall apply to all new dwelling units (including manufactured housing) within the Town of Cumberland. No new dwelling unit which fails to meet the requirements of the Ordinance shall be constructed or placed within the Town of Cumberland.

#### 106. **EXEMPTIONS**

This Ordinance shall not apply to the following:

- 106.1 The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.
- 106.2 Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.

106.3 Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.

106.4 Dwelling units constructed pursuant to a Contract Zoning Agreement in which the Council authorizes the units to be exempt from the requirements of this Chapter.

## 107. ADMINISTRATION

### 107.1. Maximum Number of Dwelling Units

107.1.1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued annually shall be sixty five (65) ~~forty five (45)~~ plus seven (7) ~~five (5)~~ additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization. [Amended, 12/17/01, effective 01/01/02]

107.1.2 All Growth Permits shall be issued in accordance with the issuance procedure described in Section 107.3 of this Ordinance. [Amended 12/17/01, 01/01/02]

### 107.2. Application Procedure

107.2.1. All Growth Permit Applications shall be submitted in person to the Code Enforcement Officer or his/her assistant or agent (hereinafter the CEO) during normal office hours on the form designated Growth Permit Application. No Growth Permit Applications shall be accepted by mail.

107.2.2. The CEO shall indicate on the Application form the date and time the Growth Permit Application was received and provide the applicant with a receipt. The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted. (Amended 09/08/03, Effective 09/23/03)

107.2.3. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred (\$100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE-200 or equivalent), and/or confirmation for eligibility of a sewer user unit. [Amended 12/17/01, effective 01/01/02]

107.2.4. A separate Application shall be required for each dwelling unit.



### 107.3. Issuance Procedure

107.3.1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From the time of the adoption of this Ordinance onward, Applications will be accepted, and Growth Permits issued, as provided for in this Section. [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)

107.3.2. Growth Permits shall be available on a first-come, first-served basis.

107.3.3.1. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO, and the CEO shall notify the applicant in writing of the date of the expiration of said thirty (30) days. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire. [Amended 12/17/01, effective 01/01/02]

107.3.3.2. Expired Growth Permits shall be available for reissue during the same calendar year. (Amended 09/08/03, Effective 09/23/03)

107.3.3.3. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.

107.3.3.3.1. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Up to ten (10) Growth Permits may be issued in excess of the supply for the current calendar year, provided that they are subtracted from the maximum allowable Growth Permits in the subsequent calendar year. Those on the list who do not get a Permit for ~~that~~ the calendar year in which they submitted a complete application shall have first priority to get a Permit in the next calendar year. (Amended 09/08/03, Effective 09/23/03)

107.3.3.4. Commencing January 1, 2012, and annually thereafter, all Growth Permits shall be issued on the basis of the calendar year (January 1 through December 31) [Amended 12/17/01, effective 01/01/02]

107.3.3.5. If, at the end of any calendar year, there are any unissued Growth Permits still available, a maximum of ten (10) Growth Permits may be

~~carried over to the next calendar year. they shall not be carried over to the next year, except as permitted in Section 107.5.~~ [Amended 12/17/01, effective 01/01/02]. (Amended 09/08/03, Effective 09/23/03)

#### **107.4. Replacement with building permit and expiration**

107.4.1. A Growth Permit shall be replaced by a building permit for a dwelling on the specific site for which the Growth Permit was issued. A Growth Permit which has not been replaced with a building permit within 90 days of Growth Permit approval by CEO shall be considered expired and must be resubmitted for consideration. Resubmitted Growth Permit Applications will not have any priority over other Growth Permit Applications. The expiration of the building permit shall be in conformity with the Town of Cumberland Building Code.

Re-issuance of an expired Growth permit from a previous calendar year shall not be counted toward the annual allocation in any category. A \$50 administrative re-instatement fee shall be assessed to the applicant. . (Amended 09/08/03, Effective 09/23/03)

#### **107.5. Transferability**

Growth Permits are not transferable. They shall be valid for construction on the lot specified on the Application and by the Applicant; provided however, that such valid Permits shall be transferable to new owners of the lot should the property change hands. If a Permit is transferred, the date of issuance remains unchanged.

#### **108. CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any federal, state or other local laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

#### **109. SEPARABILITY**

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

#### **110. EFFECTIVE DATE**

The effective date of this Ordinance shall be March 26, 2012.



#### **111. REVIEW PROCEDURE**

This Ordinance shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 112. [Amended 12/17/01, effective 01/01/02]

#### **112. AMENDMENTS**

112.1. An amendment to this Ordinance may be initiated by one of the following:

112.1.1 The Planning Board.

112.1.2 The Town Council.

112.1.3 The residents, pursuant to Article X, Section 2 of the Town Charter.

#### **113. VIOLATIONS**

113.1. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.

113.2. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

#### **114. NOTICES OF VIOLATIONS; LEGAL ACTION**

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

**115. PENALTIES**

- 115.1. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be fined not less than \$100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.
- 115.2. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section 115.1 of this Ordinance.

**116. APPEALS**

- 116.1. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.



# WORKSHOP





## TOWN OF CUMBERLAND

ADMINISTRATION DEPARTMENT

**To:** Bill Shane, Town Manager  
**From:** Alyssa Tibbetts, Assistant Town Manager  
**Date:** September 5, 2013  
**Re:** Hunting in Town Forest  
**CC:** Town Council

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State law specifically preempts the regulation of firearms, except that municipalities may adopt an ordinance that conforms exactly to state law or regulates the discharge of firearms within the town. (25 M.R.S.A. § 2011) Although the town may regulate the discharge of firearms, it may not enact any ordinance regulating hunting or trapping of wildlife or the possession or use of any equipment expressly permitted for use in hunting. (12 M.R.S.A. § 13201) Additionally, the town must consult with IF&W on amendments to a firearms discharge ordinance and provide a copy of the adopted ordinance to the Commissioner. The ordinance must include clearly defined physical boundaries where applicable. (30-A M.R.S.A. § 3007(5))

State law prohibits the discharge of a firearm or crossbow within 100 yards of a building or residential dwelling without the permission of the owner. The law states, however, that a relevant municipal ordinance may provide otherwise (12 M.R.S.A. § 11209), except that bows and arrows may not be included in a firearms discharge ordinance. (30-A M.R.S.A. § 3007(5)) Although the use of crossbows is limited to the open firearms season, the definition of "firearms" does not include crossbows and there is no statutory definition of "bow and arrow" or "crossbow". Therefore, it should be assumed that crossbows are included within the category of bows and arrows and may not be regulated by local ordinance.

Accordingly, with respect to hunting within the town limits, it is appropriate for the town to regulate only the discharge of firearms. However, with respect to hunting on town-owned property, the Town may exercise its rights as a landowner to prohibit certain activities by policy or resolution adopted by the Council. The distinction here is between the legislative function of the Council in regulating hunting generally by ordinance versus the establishment of a policy by a landowner (the town) that delimits permitted and prohibited activities on a specific property.



Below is the text of the town's existing firearms ordinance with suggested amendments:

*§ 92-1. Prohibited acts.*

- A. *It shall be unlawful for any person to discharge ~~or hunt with~~ a rifle within the limits of the Town of Cumberland.*
- B. *It shall be unlawful for any person to discharge any ~~other type of~~ firearm or crossbow within ~~300 feet~~ 100 yards of any building or residential dwelling ~~other than his own~~ without the permission of the owner or, in the owner's absence, an adult occupant authorized to act on behalf of the owner.*
- C. *It shall be unlawful for any person to discharge a rifle or any other type of firearm on the properties known as the Town Forest (include physical boundaries) and Twin Brook recreation area (include physical boundaries).*

In addition to these amendments to the firearms ordinance, the Council should consider formally adopting policies or resolutions related to the use of Twin Brook and the Town Forest in order to further prohibit hunting with crossbows, if so desired.